



Application

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: CPC-2013-521-DB-SPR + ENV-2013-522-EIR + VTT-72491-CN

Project Address: 1718-1722-1730 North Las Palmas; 1719-1719 1/2 and 1727 1/2 Cherokee

Final Date to Appeal: 20 OCT 2015

- Type of Appeal: Appeal by Applicant, Appeal by a person, other than the applicant, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): FRAN OFFENHAUSER

Company: HOLLYWOOD HERITAGE

Mailing Address: 8762 HOLLOWAY DR.

City: WEST HOLLYWOOD State: CA Zip: 90069

Telephone: (310) 659-6600 E-mail: offenhauser@oma-la.com

Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self, Other

Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: Francis Offenhausen Date: 10.30.15

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>589</u>	Reviewed & Accepted by (DSC Planner): <u>Mises Gonzalez</u>	Date: <u>10/30/15</u>
Receipt No: <u>26588</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**CASE:**

CPC-2013-521-DB-SPR; ENV-2013-522-EIR; VTT-72491-CN

**ADDRESS:**

1718 and 1722-1730 North Las Palmas; 1719-1719 ½ and 1727-1727 ½ Cherokee

**PARTS OF DECISION BEING APPEALED:**

- Adoption of findings “General Plan Land Use Designation”
- Adoption of findings “General Plan Text”
- Adoption of findings re Hollywood Redevelopment Plan
- On menu incentive of density, parking, and averaging of floor area ratio

**The reason for the appeal:** Appellant presented issues and problems in written and oral testimony, and those items to date were not addressed.

- mathematics of the density calculations are inaccurate, and the basis for the application for a SB 1818 density percentage increase is based on incorrect base permissible density.;
- urban design effects of the project are damaging

**Specifically the points at issue:**

- I. **Calculation of permissible units and density not accurate:** The appellant believes that mathematical mistakes have been made in the calculation of permissible development on 3 out of the 4 lots of the project. (Please see table below). The application and the Case recommendation to Council states inaccurately that the “C4 zone permits residential development at the density permitted in the R5 zone”. That is not what the Zoning Code section states. The project provides 986 sf of commercial area, and for this is granted 100 BONUS units, only 43 of which are justified with SB 1818.
  - **Explanation:** The code section 12.22.A is titled “Uses”. The code section has been interpreted by the applicant, and presented to the Commission, as a code section allowing an increase in density. The code section Sec 12.22.A.18 (a) states: that “Developments Combining Residential and Commercial Uses” shall be permitted to add “uses” permitted in an R5 zone (such as hotels and motels) within an area designated “Regional Center” or “Regional Commercial” in an adopted Community Plan.
  - For people like the appellant who attended the hearings on this subject in 1988 and personally drafted the Hollywood Community Plan, this interpretation of “uses” to mean “densities” is not correct, and is not in the Code, and thus not an acceptable code basis for calculating SB 1818 added bonus units.
  - A Zoning Administrator interpretation has stated that “uses” in this case can be interpreted as “density”, but that interpretation is not in the Zoning Code. As noted below, this creates a conflict with the density in the Redevelopment Plan and a conflict with the procedures of the Redevelopment Plan to allow increases in density, as this case bases an increase on a ZAI which the Agency has not accepted.

	<b>Lot Area</b>	<b>Permissable Devt</b>	<b>Proposed Devt</b>	<b>Units Allowed</b>	<b>Proposed Units Proposed % bonus</b>	<b>Stated % OK SB1818 increase</b>
Parcel 1 C4-2D*	9,002 sf	2:1 FAR = 18,004 sf	22,259 sf	22.5 per "2D"	43 91%	31 35%
Parcel 2 C4-2D*	9,002 sf	2:1 FAR = 18,004 sf	23,836 sf	22.5 per "2D"	42 86%	30 35%
Parcel 3 (Q) R5	*7,275 sf	43,650 sf	42,618 sf	26.0 per "Q"	32 23%	32 23%
Parcel 4 C4-2D*	21,077 sf	2:1 FAR 42,154 sf	80,818 sf	53.0 per "2D"	116 100%	72 35%
<b>Total</b>	<b>46,356 sf</b>	<b>121,812 sf</b>	<b>169,531</b>	<b>124 units</b>	<b>224 units</b>	<b>165 units</b>

\*Reg Cntr Comm

**2. Findings inaccurate- Not consistent with adopted Redevelopment Plan:**

The following conclusion in the case findings is incorrect, and critical to the Case. The Case findings state that the project is consistent with the Redevelopment Plan, citing "a mechanism was established whereby the land use designations of the Hollywood Redevelopment Plan would automatically conform to any future changes in the Hollywood Community Plan." In fact, there have been no changes in the Hollywood Community Plan (other than an amendment not affecting this property).

The land use in the Redevelopment Plan has a maximum of 80 du/acre, or 114 dwelling units for the project AFTER the SB 1818 density bonus. There is no General Plan amendment; no new Community Plan adoption; nor a City Zoning Ordinance which the Redevelopment Agency would automatically adopt. Those are the only 3 items cited in the Redevelopment Plan as automatically establishing conformance. This the project is not consistent with the Redevelopment Plan.

**3. Findings inaccurate: Not consistent with adopted Redevelopment Plan:**

The Case findings state that the project is consistent with the Redevelopment Plan – making that statement apparently without any contact being made with the Redevelopment Agency.

As the Redevelopment Agency still maintains land use authority and responsibility in Hollywood, the City Planning Department is not in a position to make this finding without consultation, and without a DDA. (CRA is no longer negotiating OPAs, but is requiring DDA's in compliance with the Redevelopment Plan). The procedure stated in the Hollywood Redevelopment Plan for review of applications for "Residential Uses within Commercial Areas" has not been followed. Sec 506 of

the Redevelopment Plan states that “subject to Agency approval of a development or participation agreement(s), the Agency may permit the development of new residential uses within commercial areas”.

4. **On-menu density increase appealed:** The on-menu density increase is applied inaccurately. Height district 2D densities in C4-2D zone (3 of the 4 lots) are restricted by a calculation of 400 sf/du. The application did not request a removal of this “D” condition, so this most restrictive calculation still applies, or the applicant needs a General Plan Amendment to remove the “D” condition. A 35% density bonus would achieve 165 units, not 224 units
5. **Lot coverage appealed:**
6. **Findings inaccurate: Not consistent with Hollywood Community Plan :** A most significant goal of the Hollywood Community plan was omitted in the discussion of the project—the Goal stated on Page I: “To encourage preservation and enhancement of the varied and distinctive residential character of the Community”. To that end the setbacks at the street and more importantly the two rear yards of the back-to-back lots involved are critical for the preservation of the light, air, and views of residences in the Franklin Avenue Design District. The design of the project specifically breaks the historic patterning of the area. This is eminently correctible.
7. **Findings inaccurate: Not consistent with Franklin Avenue Design District of Hollywood Redevelopment Plan:** A most significant goal of the Franklin Avenue Design District in the Hollywood Community Plan was design controls and possible density reductions in the residential area north of Hollywood Boulevard. The Franklin Avenue Design District regulations have not been finalized, so there can be no finding of compliance. As the City is a signatory to a Settlement Agreement with Hollywood Heritage committing to these regulations being finalized, in their absence no project should be processed with height, lot coverage, and setback changes which conflict with the urban patterning that Plan was established to protect.

**How are you aggrieved by the decision:** We provide our text from our previous letter submitted:

### **EFFECT OF LARGE SCALE OF PROJECT ON HISTORIC RESOURCES**

We find the DEIR correct in Appendix D in the statement that there are no historic resources extant on this site, and in stating that the pertinent question about this project is whether it is compatible within a context of all the surrounding historic resources.

The analysis finds that “the scale and massing of the proposed Project is considerably larger than the District contributors immediately adjacent to the Project Site. This discrepancy in

scale has the potential to adversely affect the District. For the purposes of CEQA, however, the potential adverse effects associated with size, scale, and massing will not materially impair the significance of the District”.

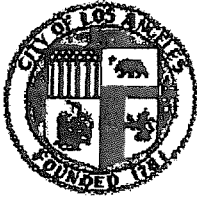
Hollywood Heritage recognizes that the City of LA EIR threshold for adverse effect is set very high, and thus a project can be claimed to have no adverse effect even though the design will be damaging to both the historic context and the aesthetic context.

This project—with some of its large massing—might be acceptable with a better architectural design. However, with better scrutiny of the situation, Hollywood Heritage concludes that the design is a potential adverse effect on the surrounding historic buildings and districts. If viewed in isolation, issues may appear to be insignificant, but when seen in the context of a project 2X the height and size intended, the incompatibility with its surroundings and the adverse effects on historic neighbors seems unnecessary.

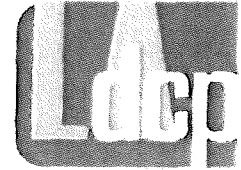
- The building design is purposefully scaleless—throwing a “rain screen” over the blank walls with a purposeful “exoskeleton”, trying to look like the birds nest of the China Olympics—a design that was brilliant for an Olympic Stadium, but entirely out of character with the historic and human-scaled context.
- The 71’ height in a zone allowing 45’ dwarfs the context historic buildings.
- The building is a single structure carrying through from Cherokee to Las Palmas, eliminating rear and side yard setbacks on residentially zoned (or utilized) parcels. Combined with doubled height, this eliminates expected light and air, essentially putting a giant wall across standard urban rear yards.
- The neighboring historic building has view, light, and air blocked duw to the overheight structure
- The reduced setbacks requested violate historic setbacks (determinable through Sanborn analysis) and the current Urban Design Plan-required setbacks. There is no reason for this—thus it is an adverse effect.

### **REDEVELOPMENT PLAN PLANNING CLEARANCE**

	<b>Lot Cov'ge</b>	<b>Setbacks</b>	<b>Height allowed</b>	<b>Height proposed</b>	<b>Units allowed</b>	<b>Units proposed</b>
Parcel 1	100% OK	15' required 0' proposed	45'	54'	22.5 per “2D”	43
Parcel 2	100% OK	18” required 0' proposed	45'	54'	22.5 per “2D”	42
Parcel 3	65% req'd Est 90%?	15' required 0' proposed	60'	71'	26.0 per “Q”	32
Parcel 4	65% req'd Est 90% ?	18” required 0' proposed	60'	71'	53.0 per “2D”	116
Total	Not compliant	Not compliant		Exceeds	124 units	224 units
80 DU/acre					85 units	224 units



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### City Planning Commission

**Date:** October 8, 2015  
**Time:** After 8:30 A.M.  
**Place:** Los Angeles City Hall  
200 N. Spring Street, Room 350  
Los Angeles, CA 90012

**Case No.:** CPC-2013-521-DB-SPR  
**CEQA No.:** ENV-2013-522-EIR  
**Incidental Cases:** VTT-72491-CN  
**Related Cases:** None  
**Council No.:** 13 - Hon. Mitch O'Farrell  
**Plan Area:** Hollywood  
**Specific Plan:** None  
**Certified NC:** Hollywood Hills West  
**General Plan:** Regional Center Commercial

**Public Hearing Completed:** July 8, 2015; September 24, 2015

**Appeal Status:** Appealable to City Council

**Expiration Date:** October 30, 2015

**Multiple Approval:** Pursuant to Section 12.36 of the L.A.M.C. (Multiple Entitlements), appealable to City Council by any party. Off-Menu items not appealable.

**Zone:** C4-2D-SN, [Q]R5-2  
**Applicant:** Hollywood Cherokee Ventures, LLC  
**Representative:** Kyndra Casper, Liner LLC

**PROJECT LOCATION:** 1718 and 1722 - 1730 North Las Palmas Avenue  
1719 - 1719½ and 1727 - 1727½ Cherokee Avenue

**PROPOSED PROJECT:** The removal of an existing surface parking lot and the construction of a new four- to six-story mixed-use building ranging in height from 54 feet to 71 feet comprised of 224 residential dwelling units with an 11 percent set aside for very low-income households and 985 square feet of ground-floor retail. The development will include a 305 parking stalls located within four levels (one semi-subterranean level and three subterranean levels).

#### REQUESTED ACTIONS:

##### ENV-2013-522-EIR

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, review and consider the certification of the Environmental Impact Report (EIR), ENV-2013-522-EIR, SCH No. 2013101063, including the Errata, the Environmental Findings, the Project Design Features, Mitigation Monitoring Program, and Statement of Overriding Considerations.

##### CPC-2013-522-DB-SPR

1. Pursuant to L.A.M.C. Section 12.22-A,25, a request for a Density Bonus to permit a less than 5 percent increase in the number of dwelling units from 221 to 224 units, where 11 percent will be set aside for restricted affordable units at the Very Low income level, utilizing Parking Option 1, to allow 252 spaces (one parking space each studio and one-bedroom unit and two parking spaces each two- and three-bedroom unit) and 53 commercial spaces, with the following incentives:


- a) On-Menu Incentive of averaging of floor area ratio, density, parking, open space and permitting vehicular access from a less restrictive zone to a more restrictive zone.
- b) On-Menu Incentive to permit a 35% increase in FAR from 2:1 in the C4-2D-SN Zone and from 6:1 in the [Q]R5-2 Zone to an FAR of 3.55:1 averaged across the site.

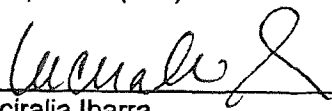
- c) Off-Menu Incentive to permit a 4.17% increase in FAR from 3.55:1 to 3.66:1 averaged across the site, thereby allowing 169,531 square feet of building floor area in lieu of the 164,446 square feet otherwise permitted.
  - d) Off-Menu Incentive to permit a 26-foot increase in the height requirement, allowing 71 feet in height in lieu of the 45 feet allowed in the [Q]C4-2D-SN Zone.
  - e) Off-Menu Incentive to reduced setbacks of a) a 0-foot front yard setback, in lieu of the 15 feet required, for the R5-zoned parcel; b) a 2.5-foot side yard setback, in lieu of the 9 feet required, for subterranean level 0 on the northern property line of the R5-zoned parcel, and c) a 7-foot side yard setback in lieu of the 9 feet required on the southern property line in the C4-2D-SN Zone.
2. Pursuant to L.A.M.C. Section 16.05, a Site Plan Review for a project which creates, or results in an increase of 50 or more dwelling units.

**RECOMMENDED ACTIONS:**

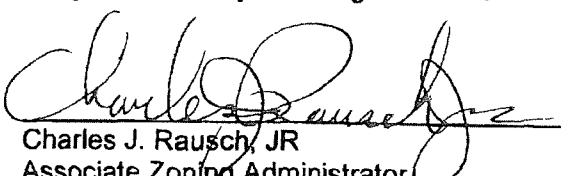
1. Find that the City Planning Commission assessed the Hollywood Cherokee Project Environmental Impact Report, EIR No. ENV-2013-522-EIR, SCH No. 2012041003, certified on July 17, 2015. The City Planning Commission finds that pursuant to CEQA Guidelines, Section 15162, based on the whole administrative record, no subsequent EIR or negative declaration is required for approval of the Project.
2. Approve the following Affordable Housing - Density Bonus Incentives, concessions or waivers for a project that reserves 11% of its units for Very Low Income households: 1) On-Menu Incentive of averaging of floor area ratio, density, parking, open space and permitting vehicular access from a less restrictive zone to a more restrictive zone; 2) On-Menu Incentive to permit a 35% increase in FAR from 2:1 in the C4-2D-SN Zone and from 6:1 in the [Q]R5-2 Zone to an FAR of 3.55:1 averaged across the site; 3) Off-Menu Incentive to permit a 4.17% increase in FAR from 3.55:1 to 3.66:1 averaged across the site, thereby allowing 169,531 square feet of building floor area in lieu of the 164,446 square feet otherwise permitted; 4) Off-Menu Incentive to permit a 26-foot increase in the height requirement, allowing 71 feet in height in the [Q]C4-2D-SN Zone; 5) Off-Menu Incentive to reduced setbacks of a) a 0-foot front yard setback, in lieu of the 15 feet required, for the R5-zoned parcel; b) a 2.5-foot side yard setback, in lieu of the 9 feet required, for subterranean level 0 on the northern property line of the R5-zoned parcel, and c) a 7-foot side yard setback in lieu of the 9 feet required on the southern property line in the C4-2D-SN Zone.
3. Approve Site Plan Review findings for a project with over 50 dwelling units;
4. Adopt the attached Findings;
5. Advise the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that **mitigation conditions** are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring;
6. Advise the applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.

MICHAEL J. LOGRANDE  
Director of Planning

  
Henry Chu, Hearing Officer  
Telephone: (213) 978-1324

  
Luciralia Ibarra  
Senior City Planner

  
Sergio Ibarra, City Planning Associate

  
Charles J. Rausch, JR  
Associate Zoning Administrator